THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16263 of 2007

Date:02-08-2007

Between:

Bandikind Shingaraiah and three others **.. PETITIONER**

AND

The Sub-Divisional Police Officer, Jangaon and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to quash the charge sheet filed by the first respondent in Crime No.53 of 2007, dated 25.04.2007 before the Judicial First Class Magistrate, at Jangaon.

It is the case of the petitioners that the first petitioner is the sarpanch of Salvapur village, Bachannapet mandal, District Warangal. It is stated that the third respondent purchased Ac.3.20 guntas of land in Sy.Nos.307/B, 309/B, 312/B from one B.Ramulu and the said lands are very nearer to the agricultural lands of the first petitioner. The third respondent has drilled a bore-well in the said purchased land, as a result of which the bore-well in the petitioners' land dried up almost to the bottom level and therefore, on a complaint made by the petitioners on 13.03.2007 before the Tahsildar, Bachannapet, the Tahsildar, Bachannapet got the matter enquired through the Additional Revenue Inspector, Bachannapeta who visited the spot and seized the said bore-well of the third respondent. Accordingly, the Tahsildar furnished a report in RC No.B/2007, dated 14.03.2007 to the Revenue Divisional Officer, Jangaon stating that the third respondent has admitted his mistake and stopped the further boring work and requested to excuse the same. Having accepted his mistake and with a view to foist a false case, the third respondent made a complaint on 29.03.2007 which is an afterthought as if the petitioners man handled the third respondent and scolded him by taking their caste. It is stated that the police without following the factual aspects about the illegal digging of the bore-well by the complainant/third respondent, the Police, Bachannapet registered a case in Crime No.53 of 2007 for the offence punishable under Section 3(1)(x) of S.C. & S.T. (POA) Act and also filed the

charge sheet on 25.04.2007 which was actually filed before the Court on 16.05.2007.

Now the petitioners seek to quash the said crime in respect of which the investigation was already completed and the charge sheet was also filed and the case is yet to be numbered.

I am of the opinion that even assuming that the said contention of the learned counsel for the petitioners with regard to the illegal digging of the bore-well and accepting the mistake of the third respondent were true and genuine and to escape the liability under the relevant Act, the third respondent has illegally filed a complaint, but it is a matter to be appreciated during the course of regular enquiry and trial by the concerned Magistrate. Therefore, I am of the opinion that the said proceedings of the Mandal Revenue Officer and other contentions unless received in evidence and considered, the F.I.R. cannot be quashed and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to take appropriate steps in accordance with law. No costs.

_____

V.ESWARAIAH, J.

Date:02.08.2007
ccm